

# Exhibit E

**From:** Anthony Paronich  
**To:** [Hayes, Deanna J.](#); [murphy@mmb.com](mailto:murphy@mmb.com)  
**Cc:** [Daly, Michael P.](#); [Indych, Marsha J.](#)  
**Subject:** RE: Frey v. Frontier Utilities Northeast LLC, No. 19-2372 (E.D. Pa.) / Perrong v. Frontier Utilities Northeast LLC, No. 20-5844 (E.D. Pa.)  
**Date:** Sunday, January 24, 2021 2:30:33 PM

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**FRE 408**

Counsel:

We are in receipt of Frontier's counteroffer. We have reviewed this letter and want to thank you for your good faith proposal. There are a few items that we wanted to address:

- The proposed class definition is acceptable.
- The proposed release is largely acceptable. However, there would need to be limiting language that made clear that the release of any third parties is limited to any actions taken on behalf of Frontier Utilities. From our perspective, we will not want to impact other non-Frontier litigation that may involve the same third party vendors Frontier used for calling. For instance, as explained in our demand letter, we have a pending case against Sperian Energy that has an overlap in vendors. From your client's perspective, I'm sure they don't want to pay for a release that could benefit their competitors.
- We agree that some publication notice is needed, and believe a robust regionalized internet publication notice plan in the states that Frontier does business in seems like an appropriate approach. KCC has done these in the de-regulated energy space before. With respect to direct notice, we would suggest e-mail or postcard notice to each of the current or former customers acquired for Frontier by its telemarketing vendors. It would be helpful to evaluate that approach if Frontier can disclose the amount of individuals that would include.
- We are authorized to counter Frontier's [REDACTED] non-reversionary common fund with an offer of a [REDACTED] non-reversionary common fund.
- We do not negotiate the fees, costs or incentive awards until the end of these negotiations, but wanted to make clear that (a) we will apply for those amounts from the common fund and (b) we do not require Frontier to take any position. In other words, Frontier is free to object to any request that they view as unreasonable.

Finally, as we have continued our investigation into the dialing system used by EAG in this case as well of the dialing system of Energy Group Consultants, Inc., we are confident in the fact that they will be found to be an ATDS under almost any definition, but expediting this negotiation is in the interest of all parties. To that end, we're aware of the availability of Hon. Morton Denlow (Ret.) on February 1 and 2, 2021 for mediation. Judge Denlow has negotiated many of the de-regulated energy TCPA class settlements and could lend his experience to this process. We're also open to continuing to negotiate directly.

Please feel free to give Brian or I a call if you would like to discuss.

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**From:** Hayes, Deanna J. <[deanna.hayes@faegredrinker.com](mailto:deanna.hayes@faegredrinker.com)>  
**Sent:** Friday, January 22, 2021 6:05 PM  
**To:** [anthony@paronichlaw.com](mailto:anthony@paronichlaw.com); [murphy@mmb.com](mailto:murphy@mmb.com)  
**Cc:** Daly, Michael P. <[michael.daly@faegredrinker.com](mailto:michael.daly@faegredrinker.com)>; Indych, Marsha J. <[marsha.indych@faegredrinker.com](mailto:marsha.indych@faegredrinker.com)>  
**Subject:** Frey v. Frontier Utilities Northeast LLC, No. 19-2372 (E.D. Pa.) / Perrong v. Frontier Utilities Northeast LLC, No. 20-5844 (E.D. Pa.)

Anthony and Brian:

I hope all is well. Please see attached for Frontier's counter-proposal.

Thanks and regards,  
Deanna

**Deanna J. Hayes**

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